

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

Rodney Allen Pinckney

Debtor(s)

CHAPTER 7

CASE NO. 19-30430

**NOTICE OF HEARING ON MOTION FOR RECONSIDERATION OF ORDER
GRANTING THE MOTION OF MARLENE JONES TO CONVERT THIS
CHAPTER 13 CASE TO A CHAPTER 7 CASE**

To all interested parties:

TAKE NOTICE that a Hearing on the MOTION FOR RECONSIDERATION OF ORDER GRANTING THE MOTION OF MARLENE JONES TO CONVERT THIS CHAPTER 13 CASE TO A CHAPTER 7 CASE in the above matter will be held on September 9, 2019 at 9:30 AM, at the United States Bankruptcy Court, Charles Jonas Federal Building, 401 W. Trade Street, Charlotte, North Carolina, or as soon thereafter as it can be heard by the Court.

Today is August 16, 2019.

By: /s/Jeanne Ann Pennebaker
Bochicchio & Pennebaker, PLLC
N.C. State Bar No. 39174
10130 Perimeter Parkway, Suite 200
Charlotte, NC 28216
Telephone: (704)602-5233
Fax: (704)659-4032

UNITED STATES BANKRUPTCY COURT
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CHAPTER 7

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**MOTION FOR RECONSIDERATION OF ORDER GRANTING
THE MOTION OF MARLENE JONES TO CONVERT THIS CHAPTER
13 CASE TO A CHAPTER 7 CASE**

NOW COMES the Debtors herein, by and through counsel, and respectfully show the court the following:

1. Debtors filed a Chapter 13 case on April 1, 2019. An order converting this case to a Chapter 7 was granted on July 18, 2019.
2. The basis for the granting of the motion was that Debtor had not been making plan payments to the trustee, and that although Debtor owns several properties free of mortgage liens there was no timeline as to when any of his properties would be sold. Therefore, the plan as proposed was not feasible.
3. Debtor has since made a payment to the trustee of \$1200 which was returned to Debtor's attorney and Debtor's attorney is holding pending resolution of this motion. Debtor's payments are proposed at \$1000 per month. Debtor is getting another payment to Debtor's attorney of \$1800. This would represent 3 plan payments under the terms of the plan which Debtor's attorney could tender to the Chapter 13 trustee.
4. In addition, Debtor has gotten an offer to purchase his property on 227 Harrison St., Charlotte, NC 28208 in which he owns a ½ interest with James Smith. A motion to sell free and clear is being brought regarding that property.
5. Further, Debtor had difficulty when his Ch. 13 was first filed having to evict three of his tenants for non-payment of rent which caused his temporary inability to make plan payments. He has since obtained new tenants and should have more stable ability to make payments going forward.

WHEREFORE, the Debtors request that the Court enter an Order:

1. Vacating the order dated July 18, 2019 converting this case to a chapter 7.
2. For such further relief as the Court deems just and proper.

Today is August 16, 2019.

By: /s/Jeanne Ann Pennebaker
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the **MOTION FOR RECONSIDERATION OF ORDER GRANTING THE MOTION OF MARLENE JONES TO CONVERT THIS CHAPTER 13 CASE TO A CHAPTER 7 CASE** by either Electronic Case Filing or by depositing copies of same in the exclusive care and custody of the United States Postal Service, with proper postage thereto affixed, addressed to the parties listed below:

Warren L. Tadlock, Chapter 13 Trustee
5970 Fairview Road, Suite 650
Charlotte, NC 28210-2100

via Electronic Case Noticing

Attached ECF creditor list

This the 16th day of August, 2019.

By: /s/Jeanne Ann Pennebaker
Bochicchio & Pennebaker, PLLC
N.C. State Bar No. 39174
10130 Perimeter Parkway, Suite 200
Charlotte, NC 28216
Telephone: (704)602-5233
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Label Matrix for local noticing
0419-3
Case 19-30430
Western District of North Carolina
Charlotte
Fri Aug 16 21:55:11 EDT 2019

Charlotte Division
401 West Trade Street
Charlotte, NC 28202-1633

First Citizens Bank
1024 Alleghany St
Charlotte, NC 28208-3890

(p)FIRST CITIZENS BANK TRUST COMPANY
P O BOX 25187
RALEIGH NC 27611-5187

Ford Motor Credit
PO Box 542000
Omaha, NE 68154-8000

(p)FORD MOTOR CREDIT COMPANY
P O BOX 62180
COLORADO SPRINGS CO 80962-2180

Ford Motor Credit Company LLC
c/o Pamela P. Keenan
2418 Blue Ridge Road, Suite 200
Post Office Box 19766
Raleigh, NC 27619-9766

Gaston Radiology
PO Box 603498
Charlotte, NC 28260-3498

Internal Revenue Service
P.O. Box 7317
Philadelphia, PA 19101-7317

Marlene Jones
8418 Galena View Drive
Charlotte, NC 28269-7178

Marlene Jones
c/o Luke P Sbarra
6000 Fairview Rd Ste 1000
Charlotte, NC 28210-3353

Mecklenburg County Tax Collector
PO Box 71063
Charlotte, NC 28272-1063

Mecklenburg Radiology Associates
PO Box 221249
Charlotte, NC 28222-1249

North Carolina Department of Revenue
Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27602-1168

Novant Health
PO Box 1123
Minneapolis, MN 55440-1123

Office of the Tax Collector
Mecklenburg County Tax Collector
P.O. Box 31637
Charlotte, NC 28231
Charlotte, NC 28231-1637

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Presbyterian Pathology group
PO Box 4370
Florence, SC 29502-4370

Robert H. Pryor
Marlene Jones
8418 Galena View Drive
Charlotte, NC 28269-7178

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Heather Culp
1701 South Blvd
Charlotte, NC 28203-4727

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Marlene Jones
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McGuireWoods LLP
PO Box 31247
Charlotte, NC 28231-1247

Rodney Allen Pinckney
8525 Hammonds St.
Charlotte, NC 28214-1436

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

First-Citizens Bank & Trust Company
Attn: Bankruptcy Department
PO Box 25187
Raleigh, NC 27611-5187

Ford Motor Credit Company
P.O. Box 62180
Colorado Springs, CO 80962

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Ford Motor Credit Company LLC

End of Label Matrix	
Mailable recipients	23
Bypassed recipients	1
Total	24